

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN ALLARD,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:05-CV-0584-K
	§	
QUINLAN PEST CONTROL CO. INC	§	
	§	
Defendant.	§	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Defendant's Objections to the Magistrate Judge's Findings Conclusions, and Recommendations, filed on September 28, 2011, are **OVERRULED**.

By separate judgment, Defendant Quinlan Pest Control Co., Inc.'s motion to dismiss Plaintiff's § 1983 claim against it under Rule 12(b)(6) for failure to state a claim will be **GRANTED**, and Plaintiff's § 1983 claim will be **DISMISSED** with prejudice.

Defendant's motion to dismiss any remaining state law claims against it under Rule 12(b)(1) will be **DENIED**. The Court declines to exercise supplemental

jurisdiction over any such claims against Defendant, however, and they will be **DISMISSED** without prejudice to Plaintiff pursuing them in state court.

SO ORDERED.

SIGNED this 20th day of October, 2011.

A handwritten signature in cursive script, reading "Ed Kinkeade".

ED KINKEADE

UNITED STATES DISTRICT JUDGE